

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Andrew E. Yocklin,

Case No. 3:14 cv 191

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

Commissioner of Social Security,

Defendant

Before the Court is the Report and Recommendation of the Magistrate Judge filed on November 20, 2014, in the above-entitled action. (Doc. No. 23). Under the relevant statute:

Within fourteen (14) days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 F.3d 628 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C.A. § 636(b)(1).

The failure to file written objections to the Magistrate Judge's report and recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

In this case, the fourteen day period has elapsed and the Commissioner indicates she will not be filing objections. (Doc. No. 24).

Following review of the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety as the Order of the Court. The Commissioner's

decision of no disability is not supported by substantial evidence. Accordingly, the decision of the Commissioner is reversed and the matter remanded for further proceedings.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge